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January 29, 2009

BY ECF

Honorable Frederic Block
United States District Judge
Eastern District of New York
255 Cadman Plaza East
Brooklyn, New York 11201

Re: Alisha Hallums, et al. v. City of New York, et al.
07 CV 2106 (FB) (RML)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of the above-referenced matter. Enclosed please find a duly executed Stipulation and Order of Settlement and Dismissal, for Your Honor's endorsement and filing in regards to the above-referenced case.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Caroline Chen".
Caroline Chen
Assistant Corporation Counsel

Enc.

cc: Mustapha Ndanusa, Esq. (by ECF)
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

ALICSHA HALLUMS, JAVIS HALLUMS and ANDREW HALLUMS, infants by their mother and natural guardian TOLITA HALLUMS, TOLITA HALLUMS, Individually, DANNY HALLUMS and DANIEL BOYD,

Plaintiffs,

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, NEW YORK POLICE DEPARTMENT Officers Lt. HARRISON (Intel Supervisor); CAPT. PEGUES (Overall Supervisor); SGT. JENNERY RIOS (Intel Sgt.), Shield No. 4371; SGT. DONOVAN (Intel Sgt.), Shield unknown; SGT. STEVEN MARJNO (team Leader), Shield No. 1897; P.O. SCOTT JUST, Shield No. 12018; P.O. JOSEPH VERDEROSA (Recorder), Shield No. 17288; P.O. VINCENT FONTANA (Rear Security), Shield No. 15144; P.O. JODY SCHELLENBERG (rear Security), Shield No. 31716; P.O. MICHAEL GONZALEZ (P. Van), Shield No. 20675; and P.O. JOEL POLICHRON (P. Van), Shield No. 25464, all in their official and individual capacities, and JOHN DOE OFFICERS NOS 12-15, in their official and individual capacities

STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE

07 CV 2106 (FB)(RML)

Defendants.

X

WHEREAS, plaintiffs Alicsha Hallums, Javis Hallums, Andrew Hallums, Tolita Hallums, Danny Hallums and Daniel Boyd commenced an action entitled Alicsha Hallums, et al. v. City of New York, et al., 07 CV 2106 (FB)(RML), on May 23, 2007, by filing a complaint in the United District Court for the Eastern District of New York, alleging, *inter alia*, violations of their civil rights pursuant to 42 USC § 1983; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in their litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff Tolita Hallums, for herself and for her plaintiff infant son, Andrew Hallums, has authorized counsel to settle this matter on the terms enumerated below;

WHEREAS, plaintiffs Alicsha Hallums, Javis Hallums, Danny Hallums and Daniel Boyd have also authorized counsel to settle this matter on the following terms;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York, on behalf of defendants City of New York, the New York City Police Department, Jennery Rios, Steven Marino, Scott Just, and Joseph Verderosa, hereby agrees to pay plaintiffs the total sum of **FORTY THOUSAND (\$40,000.00) DOLLARS** in full satisfaction of all claims, including claims for costs, expenses and attorney fees, disbursed according to the following schedule:

ANDREW HALLUMS	\$6666.70
TOLITA HALLUMS	\$6666.66
ALICSHA HALLUMS	\$6666.66
JAVIS HALLUMS	\$6666.66
DANNY HALLUMS	\$6666.66
DANIEL BOYD	\$6666.66
Total	\$40,000.00

3. In consideration for the payment of this sum, plaintiffs agree to the dismissal of all the claims against the defendants City of New York, the New York City Police Department, Jennery Rios, Steven Marino, Scott Just, and Joseph Verderosa in this action, and to release defendants and any present or former employees or agents of the New York City Police Department and the City of New York, and their successors or assigns, from any and all liability,

claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

4. Settlement of the claims of the infant plaintiff Andrew Hallums is conditioned on compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court (“Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions”), and Rule 1207, et seq., of the Civil Practice Laws and Rules for the State of New York.

5. Plaintiffs shall execute and deliver to defendants’ attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph “2” above and an Affidavit of No Liens.

6. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs’ rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

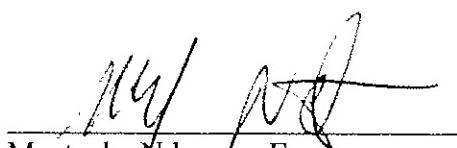
7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
_____, 2008

Mustapha Ndanusa, Esq.
Attorney for Plaintiffs
26 Court Street, Suite 603
Brooklyn, New York 11242

By:



Mustapha Ndanusa, Esq.

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City of New York
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By:



Caroline Chen
Assistant Corporation Counsel

SO ORDERED:

FREDERIC BLOCK, U. S. D. J